

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 950928- K

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS:

TRACT 1: 0.75 ACRE TRACT OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "GO-CO" GENERAL OFFICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT; AND,

TRACT 2: 4.20 ACRE TRACT OF LAND OUT OF THE JOHN APPLGATE SURVEY NO. 58, FROM "SF-3" FAMILY RESIDENCE DISTRICT TO "LI-CO" LIMITED INDUSTRIAL SERVICE DISTRICT-CONDITIONAL OVERLAY COMBINING DISTRICT,

LOCALLY KNOWN AS 9600 DESSAU ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the respective base zoning districts and to establish a Conditional Overlay combining district on all of the property described in File C14-95-0097, as follows:

Tract 1: From "SF-3" Family Residence district to "GO-CO" General Office district-Conditional Overlay combining district.

0.75 acre tract of land out of the John Applegate Survey No. 58, said 0.75 acre tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes.

Tract 2: From "SF-3" Family Residence district to "LI-CO" Limited Industrial Service district-Conditional Overlay combining district.

4.20 acre tract of land out of the John Applegate Survey No. 58, said 4.20 acre tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes.

[hereinafter referred to as the "Property"]

locally known as 9600 Dessau Road, in the City of Austin, Travis County, Texas.

PART 2. That the Property within the boundaries of the Conditional Overlay combining district established by this ordinance is subject to the following conditions:

1. No structure of any kind shall be built to a height greater than (i) 20 feet above ground level on Tract 1, and (ii) 24 feet above ground level on Tract 2.
2. Notwithstanding any other provision of the Land Development Code applicable to the Property on the effective date of this ordinance or at the time an application for approval of a site plan or building permit is submitted, no site plan for development of the Property, or any portion of the Property, shall be approved or released, and no building permit for construction of a building on the Property, shall be issued if the completed development or uses authorized by the proposed site plan or building permit, considered cumulatively with all existing or previously authorized development and uses of the Property, generates traffic exceeding the total traffic generation of 2,000 vehicle trips per day.

CITY OF AUSTIN, TEXAS

3. The following uses shall be prohibited on Tract 1: (a) Restaurant (limited); (b) Day care services (commercial); (c) Local utility services; and, (d) Safety services.
4. The following uses shall be prohibited on Tract 2:
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|---|---|
| (a) Agricultural sales and services, | (q) Indoor entertainment, |
| (b) Art and craft studio (general), | (r) Indoor sports and recreation, |
| (c) Art and craft studio (industrial), | (s) Kennels, |
| (d) Automotive rentals, | (t) Local utility services, |
| (e) Automotive repair services, | (u) Restaurant (general), |
| (f) Automotive sales, | (v) Restaurant (limited), |
| (g) Automotive washing (automatic or mechanical), | (w) Safety services, |
| (h) Automotive washing (self service), | (x) Service station, |
| (i) Bulk laundry services, | (y) Vehicle storage, |
| (j) Campground, | (z) Veterinary services, |
| (k) Construction sales and services, | (aa) Maintenance and service facilities, |
| (l) Convenience storage, | (bb) Railroad facilities, |
| (m) Day care services (commercial), | (cc) Basic industry, |
| (n) Equipment repair services, | (dd) General warehousing and distribution, and, |
| (o) Equipment sales, | (ee) Resource extraction. |
| (p) Hotel-motel, | |

Except as specifically restricted by this ordinance, the property may be developed and used in accordance with regulations established for the respective base districts and other applicable requirements of the Land Development Code.

PART 3. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.


PART 4. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 5. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

September 28, 1995

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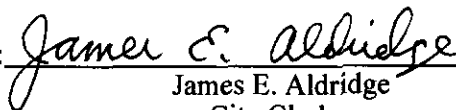
Bruce Todd
Mayor

APPROVED:



Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk

28Sept95
ME/jj

METES AND BOUNDS DESCRIPTION
ZONING TRACT

BEING 0.75 ACRE OUT OF THE JOHN APPLIGATE SURVEY NO. 58 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN TRACT OF LAND CONVEYED WAYNE LAYMON IN VOLUME 5986, PAGE 693 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the southeasterly r.o.w. line of Dessau Road (100' r.o.w.) at the northeast corner of that certain 1917 square feet tract of land conveyed to City of Austin for street purposes in Volume 10195, Page 847 of the Real Property Records of Travis County, Texas, being also in the northeast line of said Laymon tract of land, being also the southwest line of that certain tract of land conveyed to Pecan Park Joint Venture in Volume 8421, Page 887 of the Travis County Real Property Records, for the northwest corner hereof, from which point a 1/2" rebar found at the northwest corner of said Pecan Park Joint Venture tract of land bears N 29° 12' 12" E 208.88 feet;

THENCE with the northeast line of said Laymon tract of land, being also the southwest line of said Pecan Park Joint Venture tract of land, S 61° 00' 00" E 156.89 feet to a point, for the northeast corner hereof;

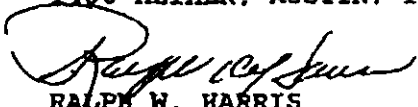
THENCE S 29° 13' 13" E 208.31 feet to a point in the southwest line of said Laymon tract of land, being also in the northeast line of that certain tract of land conveyed to Center of Positive Prayer in Volume 6033, Page 362 of the Travis County Real Property Records, for the southeast corner hereof;

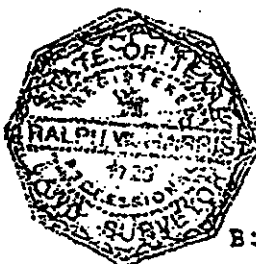
THENCE with the common line between said Laymon tract of land and the Center of Positive Prayer tract of land, N 60° 58' 19" W 156.89 feet to a 1/2" rebar set in the southeast r.o.w. line of Dessau Road, being also the southeast corner of said City of Austin tract of land, for the southwest corner hereof;

THENCE with the southeast r.o.w. line of Dessau Road, being also the southeast line of said City of Austin tract of land, N 29° 13' 13" E 208.23 feet to the PLACE OF BEGINNING and containing 0.75 acre of land, more or less.

NOTE: See survey plat dated August 30, 1995 to accompany this metes and bounds description.

AS SURVEYED BY:
RALPH HARRIS SURVEYOR INC.
1406 HETHER, AUSTIN, TEXAS


RALPH W. HARRIS
R.P.L.S. NO. 1729
AUGUST 30, 1995



REVISED: SEPTEMBER 22, 1995

B:815:24392

"Exhibit A"

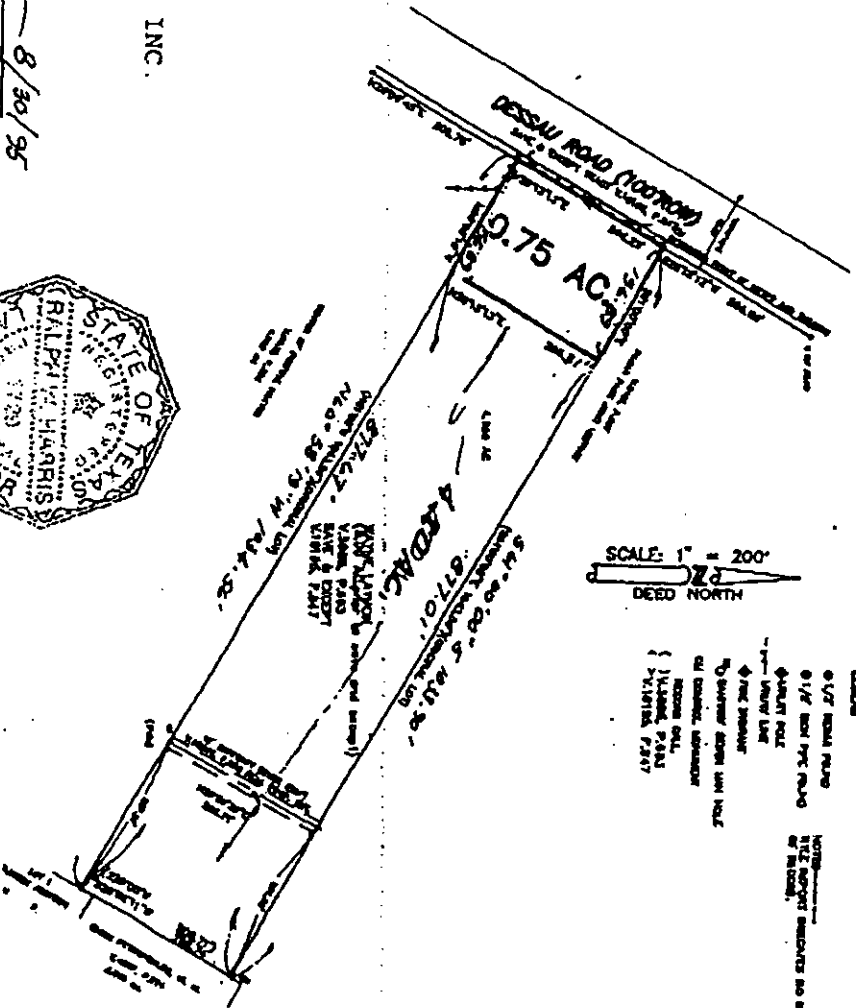
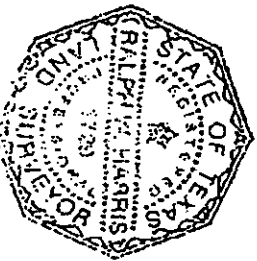
[SEE NEXT PAGE FOR SKETCH ACCOMPANYING LEGAL DESCRIPTION]

TRAVIS COUNTY, TEXAS

AUSTIN, TEXAS 78704

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DATE _____



METES AND BOUNDS DESCRIPTION

BEING 4.20 ACRES OUT OF THE JOHN APPLGATE SURVEY NO. 58 IN TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF THAT CALLED TO BE 5.0 ACRE TRACT CONVEYED TO WAYNE LAYMON IN VOLUME 5986, PAGE 693 OF THE TRAVIS COUNTY REAL PROPERTY RECORDS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING FOR REFERENCE at a 1/2" rebar in the east r.o.w. line of Dessau Road (100' r.o.w.) at the northeast corner of that certain tract of land conveyed to City of Austin for street purposes in Volume 10195, Page 847 of the Travis County Real Property Records, being also in the southwest line of that certain tract of land conveyed to Pecan Park Joint Venture in Volume 8421, Page 887 of the Travis County Real Property Records:

THENCE with the common line between said Laymon and Pecan Park Joint Venture tracts of land, S 61° 00' 00" E 156.89 feet to a point for the northwest corner and PLACE OF BEGINNING hereof;

THENCE continuing with the common line between said Laymon and Pecan Park Joint Venture tract of land, S 61° 00' 00" E 877.01 feet to a 1/2" rebar found at the northeast corner of said Laymon tract of land, being also the southeast corner of said Pecan Park Joint Venture tract of land, and being in the northwesterly line of that certain tract of land conveyed to Chris Petropoulos, et. al. in Volume 4667, Page 574 of the Travis County Deed Records, for the northeast corner hereof:

THENCE with the southeast line of the herein described tract of land, being also the northwest line of said Petropoulos tract of land, and Lot 1, Turbex Addition, a subdivision in Travis County, Texas, as recorded in Plat Book 66, Page 55 of the Travis County Plat Records, S 29° 02' 11" W 208.74 feet to a 1/2" iron pipe found at the southeast corner of said Laymon tract of land, being also the northeast corner of that certain tract of land conveyed to Center of Positive Prayer in Volume 6033, Page 362 of the Travis County Real Property Records, for the southeast corner hereof;

THENCE with the common line between Laymon tract of land and the Center of Positive Prayer tract of land, N 60° 58' 19" W 877.67 feet to a point for the southwest corner hereof;

THENCE with a line across said Laymon tract of land, N 29° 13' 13" E 208.31 feet to the PLACE OF BEGINNING and containing 4.2 acres of land, more or less.

BASED ON SURVEY COMPLETED AUGUST 30, 1995. SEE SURVEY PLAT DATED AUGUST 30, 1995 TO ACCOMPANY THIS METES AND BOUNDS DESCRIPTION.

AS SURVEYED BY:
RALPH HARRIS SURVEYOR INC.
1406 BETHER, AUSTIN, TEXAS 78704

Ralph W. Harris
RALPH W. HARRIS
R.P.L.S. NO. 1729
SEPTEMBER 22, 1995



FB:B:24392B

"Exhibit B"

Acct. Name: City Clerk's Office

305 South Congress Avenue, P.O. Box 670, Austin, Texas 78767-0670 • 512-445-3500